

2025-2026

STUDENT CODE OF CONDUCT

STUDENT RESPONSIBILITIES AND RIGHTS

*Elementary
(Grades K-4)*



Smyrna School District

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This document is not all-inclusive, nor does it restrict the Smyrna School District, the Superintendent and/or Board of Education's authority to take actions that are appropriate to maintain a safe and orderly educational environment.

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Introduction

The Smyrna School District is committed to providing a safe, drug-free, and positive school climate that fosters student success. Achieving this goal requires a strong partnership between school personnel and parents/guardians. By promoting the values of responsibility, compassion, integrity, perseverance, and respect, we can create environments that support the academic, social, and emotional growth of every student.

We are dedicated to a **restorative and trauma-informed approach** to student behavior. Restorative practices are proactive and responsive strategies that focus on building and repairing relationships. Our goal is to create healthy communities, enhance social learning, reduce anti-social behavior, and educate the whole child. Using a **Multi-Tiered System of Support (MTSS)**, we blend social-emotional development with academic achievement to meet the diverse needs of all students.

At the Smyrna School District, we are committed to ensuring that students:

- Feel welcomed and excited about learning
- Believe they are supported by their teachers, administrators, and staff
- Are treated equitably and fairly
- Experience opportunities for social and emotional growth alongside academic learning
- Learn in positive and safe environments
- Understand their role as contributing members of the school and broader community
- Recognize that rules and laws exist for their protection and well-being
- Grow and learn through the application of the Student Code of Conduct

We focus on educating the **whole child**, providing deliberate attention to academics, social-emotional learning, athletics, and extracurricular opportunities. Success requires a partnership between the school and families to prepare students to become responsible, productive citizens.

The **application of the Code of Conduct** is seen as part of students' social and emotional development. Infractions should be viewed as learning opportunities. Strong collaboration between home and school is essential. Together, we can use both minor and major incidents as teachable moments to promote student growth. When either side fails to treat violations as learning experiences, it sends mixed messages and hinders student development.

Students, parents/guardians, and staff are expected to become familiar with the contents of this document.

What is the Student Code of Conduct?

The Student Code of Conduct is an official declaration by the Smyrna School District Board of Education that:

- Outlines the responsibilities and rights of students
- Defines expected conduct to maintain a positive, safe learning environment
- Establishes standardized disciplinary procedures
- Details appeal processes
- Includes relevant State and Federal laws and regulations.

Note: The Code of Conduct applies to students in Grades K-12. It does not apply to preschool or pre-kindergarten students.

School administrators have the discretion to determine appropriate disciplinary actions based on the severity and frequency of offenses. Administrators may apply the consequences listed in the Code as needed; they are not required to follow a sequential order.

A copy of the Student Code of Conduct is distributed (via email or paper) to all students upon school entry and is available on each school's website. Each school also holds an orientation to the Code of Conduct at the beginning of the year.

When is the Student Code of Conduct Applicable?

The Student Code of Conduct applies:

- On school property before, during, and after regular school hours
- On school buses for any purpose
- At all Smyrna School District-sponsored events and activities under staff supervision
- During incidents off school property that result in criminal charges and/or pose a threat to the health, safety, or welfare of students or staff

Out-of-school conduct may lead to disciplinary action, including recommendations for expulsion (up to 180 school days), for offenses such as:

- Acts of violence punishable by law
- Sexual offenses punishable by law
- Sale, transfer, or possession of drugs or drug paraphernalia
- Felony charges

Exception: Expulsions as a result of violations of the Guns Free Schools Act are 1 calendar year.

Students with Disabilities

An IEP team or Section 504 team meeting shall be conducted for students with a disability if disciplinary removal from school for more than ten (10) days, alternative placement, or expulsion is recommended. Ten (10) days can be consecutive or cumulative. The student's disability must be identified, as defined by Federal and State laws and regulations.

What is a Healthy School Environment?

A healthy school environment is one that is:

- Safe, supportive, welcoming, and inclusive
- Engaging, offering meaningful educational opportunities
- Guided by a Multi-Tiered System of Supports (MTSS) across academic, behavioral, social-emotional, and cultural domains
- Free from behavior that threatens health, safety, welfare, or learning
- Free of drugs, weapons, and illegal activities

- Respectful of diversity among students and staff

Establishing a Healthy School Environment Through MTSS

The Smyrna School District uses a Multi-Tiered System of Support (MTSS) to promote academic, social, emotional, and behavioral growth:

- **Tier I:** Universal strategies supporting all students.
- **Tier II:** Targeted supports for students needing additional assistance.
- **Tier III:** Intensive, individualized interventions.

Through MTSS, students are expected to uphold district expectations, fostering a positive school climate.



Expectations for Students, Parents/Guardians, and School Personnel

Students will:

- Attend all classes daily and on time
- Be prepared for class assignments and activities
- Respect people and property
- Use appropriate language and behavior
- Act safely and responsibly
- Are responsible for their own work and behavior
- Follow district rules and regulations
- Seek changes in an approved, respectful manner

Parents/Guardians will:

- Stay engaged with the school regarding their child's progress and behavior
- Maintain updated contact information with the school
- Support regular, punctual attendance
- Provide necessary materials for learning
- Address concerns respectfully with staff
- Notify school officials of concerns affecting their child or others
- Discuss academic progress and behavior with their child
- Attend parent-teacher conferences
- Collaborate with the school on solutions and improvements
- Uphold respectful treatment of administration and staff in accordance with:

SSD Board Policy: [1100 Civility](#).

School Personnel will:

- Maintain regular attendance and professionalism
- Foster respect for all persons and property
- Communicate clearly and respectfully
- Model safe, responsible behavior
- Implement and uphold district policies
- Encourage positive behavior and active learning
- Offer flexible, inclusive curricula
- Promote strong staff-student relationships

- Engage parents/guardians and community resources to support student growth

Bus Privileges

The Student Code of Conduct will apply to all violations to and from school, while boarding, riding, or exiting buses. Code of Conduct violations which occur on the bus may result in the suspension of bus-riding privileges. Students must follow bus safety regulations as follows:

- Keep your hands, feet, and objects to yourself and inside the bus
- Listen and follow directions from the bus driver and/or bus aide
- Stay seated while on the bus
- Students only ride their assigned bus and get on and off at their designated stop unless otherwise approved by the principal or transportation supervisor
- Parents/Guardians are not allowed to enter the bus. Any concerns must be addressed with the building administrator and/or transportation supervisor.

Search and Seizure Procedures

Students and their belongings may be searched when reasonable suspicion exists regarding distribution, possession or use of drugs, alcohol, weapons, or other prohibited items.

- Lockers are property of the school and subject to search.
- Student vehicles may be searched under reasonable suspicion, refusal results in loss of parking privileges and possible police involvement.
- Law enforcement and trained K9 units may periodically conduct safety scans.

School Administration & In Loco Parentis Rights

The term *in loco parentis*, Latin for "in the place of a parent" refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent. Originally derived from British common law, it allows institutions such as colleges and schools to act in the best interests of the students as they see fit, allowing what would otherwise be considered violations of the students' civil liberties.

School staff exercise authority over students equivalent to that of a parent under **Delaware Code Title 14, Chapter 7, § 701 (b)**, including removal from classrooms or activities for safety and discipline purposes.

Delaware Code, Title 14 (Education), Chapter 7 (Lawful Authority of Teachers Over Pupils), §701 (b) states: *While a student is entrusted in their care or supervision, public school teachers and administrators have the same authority to control the behavior of the student and to discipline or punish the student as a parent, custodian, guardian or other person similarly responsible for the care and supervision of the student except as provided in § 702 of this title. The authority includes removing a student from a classroom or school-sponsored activity.*

Student Due Process Rights

All students must be informed of the violation(s) and the range of disciplinary actions that can accompany the violation(s). The Code of Conduct is available to all students and families on the Smyrna School District website (print versions are available upon request) and disseminated and explained to students on a yearly basis.

Each student involved in a situation which may result in a disciplinary action must be given the following due process by the administrator/designee:

- Informed of the allegation(s) against them, the conduct which forms the basis of the allegation(s), and explained the policy, rule, or regulation violated.
- Given an explanation of the evidence supporting the allegation(s) and an opportunity to present their side of the story, including any evidence, witnesses, or questions.

A student whose presence in the school environment poses a threat to the health, safety, or welfare to persons or property within the school environment, as determined by the principal/designee, may be immediately removed from the school provided that, as soon as practicable thereafter, the due process procedures are followed.

Parents/guardians are to be informed of incidents as soon as possible either by phone verbally or written notice. Reasonable efforts shall be made to include the allegedly offending student or parent/guardian in an investigation.

Students and their parent/guardian, as their representative, are afforded the right to appeal assigned discipline. A student appeal procedure is a mechanism by which a student may seek to remedy the situation where they feel they have been treated unfairly or were not afforded due process. A grievance can be filed if a student has not been able to obtain a resolution in a less formal manner.

Grievance Procedures

Disciplinary action may only be appealed to the next administrative level for failure of the school administration to follow any of the following reasons:

- Inappropriate due process
- Incorrect consequence per the Code of Conduct
- Incorrect charge or charge not supported by substantial evidence

Upon initiation of the appeal process, penalties shall not be implemented until the student ceases or exhausts their appeal. This “stay-put” provision does not apply in the following cases:

- If the student is being suspended as a first step in the Alternative Placement process
- If the student has been charged with a criminal offense for an act committed outside of school
- If the Principal determines the act allegedly committed by the student is a threat to the health, safety, or welfare of the staff or other students in the building

1. If after an administrator or their designee meets with the student and/or parent during a conference (either in-person, virtual, phone call, or email correspondence) to discuss a Code of Conduct violation(s) and the disciplinary consequence; a student and/or parent/guardian who would like to appeal to the next level administrator, the student or parent/guardian must express their intent to appeal within **24 hours** of the initial disciplinary action conference.
2. The student and/or parent/guardian must put the reason for the appeal in writing within **three (3) business days** following the disciplinary outcome/action being appealed. The written request must identify what decision is being appealed and why to the appropriate level of administration.
3. Within **three (3) business days** of the written submission, the appeal will be decided upon by the next level administrator and addressed with the student and/or parent/guardian during a conference (either in-person, virtual, phone call, or email correspondence). A written determination shall be issued by the next level administrator who investigated the appeal within **three (3) business days** of receipt of the appeal and conference.
4. A student/parent/guardian wishing to appeal the school’s written determination must file a written appeal of that determination with the Superintendent or designee no later than **three (3) business days** from the date of receipt of the principal’s written determination.

5. The Superintendent or designee shall schedule a conference (either in-person, virtual, phone call, or email correspondence) to hear the appeal no later than **five (5) business days** following receipt of the notice of appeal and shall issue a written determination, in writing, no later than **five (5) business days** following the appeal conference.
6. The determination of the Superintendent's Office shall be the final decision of the school system. A copy of the Superintendent's Office final determination shall be sent to all involved parties no later than **five (5) business days** following the date of the conference.

Uniform Definitions for Student Conduct which may result in Alternative Placement or Expulsion

Pursuant to 14 Del.C. §122(b) (26), this regulation provides uniform definitions for student conduct which may result in alternative placement or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the alternative placement or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in expulsion or an alternative placement. Please see [Smyrna School Board of Education Policy 5113](#) for more information on the Alternative Placement Process or Expulsion procedures.

Legal definitions may be found at the following link:

<https://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

A complete listing of all the Department of Education Discipline Codes pertaining to Education can be viewed at the following link:

<https://regulations.delaware.gov/AdminCode/title14/600/index.shtml#TopOfPage>

[SSD Alternative Placement Process Guide for Parents/Guardians](#)

Violations of the Student Code of Conduct

S Codes – Parent/Guardian notification will happen at every level for all offenses.

Academic Dishonesty <i>State Code: S1002</i>	Fraudulent deception in preparing or presenting course work or class assignments as a student's own work when it is not. This includes, but is not limited to: (1) copying another student's work, (2) unauthorized use of notes or sharing answers during a test, (3) presenting another person's work as one's own, (4) presenting quotations, words or ideas without proper references or credit (plagiarism), (5) unauthorized use of AI for completion of student assignments, and (6) collusion, working together to provide or receive answers on an independent assignment or assessment. Previous Codes: <i>academic cheating; plagiarism</i>	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Redo assignment ○ Conference with Teacher	○ Conference with teacher ○ Parent/Guardian conference with school team to discuss intervention plan ○ Redo assignment	○ Parent/Guardian conference with school team to discuss intervention plan ○ Intervention by school counselor

		○ Redo assignment
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Careless & Reckless Behavior <i>State Code: S1017</i>	Unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Time Out ○ Up to 1 Day SBIP ○ Parent/Guardian Contact	○ Restorative Practices Intervention ○ Time Out ○ Up to 1 Day SBIP ○ Up to 1 Days OSS	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan

Consensual Sexual Misconduct <i>State Code: S0108</i>	Consensual sexual act(s) between students within the school environment. This may require a report to the Division of Family Services. Please refer to the Model Policy for Responding to Student Sexual, Physical and Emotional Misconduct in Delaware Schools for more information.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 1 Day OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Alternative Placement Process

Defiance of School Authority <i>State Code: S1003</i>	A verbal or non-verbal refusal to comply immediately with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action. A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel, which causes either a substantial disruption or material interference with school activities. <i>Previous Codes: insubordination; failure to perform properly in SBIP; failure to report to detention; repeated violations of the code of conduct</i>	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Up to 1 Day OSS ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan	○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Alternative Placement Process

Disruptive Behavior <i>State Code: S0091</i>	Students who disrupt the school environment by not following expectations and/or interrupt learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn and behaviors by the student or with other students that are distracting to other persons. This can also include participation in games of chance for money or other things of value. <i>Previous Codes: inappropriate behavior; gambling</i>	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Apology – Written/Verbal ○ Conference with Support Staff (Behavioral Interventionist) ○ Time Out to Complete Task ○ Up to 1 Day SBIP ○ Up to 1 Day OSS	○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Time Out ○ Up to 3 Days SBIP ○ Up to 3 Days OSS	○ Restorative Practices Intervention ○ Self-Reflection with Adult Support ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Time Out ○ Up to 5 Days SBIP ○ Up to 5 Days OSS

Dress Code Violation <i>State Code: S0291</i>	Failure to comply with the school-level dress code. Dressing in a manner that is unsafe and/or disrupts the learning environment. This includes, but is not limited to clothing that promotes drugs, alcohol, or profanity. SSD Board Policy: 5102 Dress Code	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Change of clothes offered ○ Parent Contact	○ Change of clothes offered ○ Parent Contact	○ Change of clothes offered ○ Parent Contact

Falsely Signing & Impersonating <i>State Code: S1004</i>	Falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal, or written means. <i>Previous Codes: failure to provide ID when requested; improper use of food account; tampering with public records</i>	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Parent Contact ○ Restitution	○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution ○ Time Out

Inappropriate Language & Gestures <i>State Code: S1005</i>	Cursing/swearing or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar. <i>Previous Codes: Abusive language; profanity</i>	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Time Out ○ Restorative Practice Intervention ○ Apology Written/Verbal	○ Restorative Practice Intervention ○ Time Out ○ Up to 3 Days SBIP ○ Up to 3 Days OSS	○ Restorative Practice Intervention ○ Time Out ○ Up to 5 days SBIP ○ Up to 5 days OSS

○ Notify Parent/Guardian of Referral Warning ○ 1 Day SBIP ○ 1 Day OSS ○ Counseling Referral	○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Parent/Guardian Conference with the school team to discuss intervention plan
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Instigation <i>State Code: S0302</i>		Students incite aggressive or physical conflict between two or more students that resulted in a confrontation without directly participating in the confrontation.
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Apology Written/Verbal ○ Conference with Support Staff (Behavioral Interventionist) ○ Time Out ○ Up to 1 Day SBIP ○ Up to 1 Day OSS	○ Restorative Practices Intervention ○ Time Out ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan	○ Restorative Practices Intervention ○ Self-reflection with Adult support ○ Counseling referral ○ Time Out ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan

Leaving School Grounds Without Permission <i>State Code: S0051</i>		Leaving the school building or the school grounds during school hours without required staff permission.
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ SBIP/OSS Remainder of the Day ○ Parent Notification ○ Police Notification	○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ Up to 2 Days OSS ○ Parent Notification ○ Parent/Guardian conference with school team to discuss intervention plan ○ Police Notification	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification

Loitering <i>State Code: S0071</i>		Student's unauthorized presence in any school area for an extended period of time and/or student's failure to leave the school grounds at the time designated, or when a student knowingly or unknowingly is in a Smyrna School District area without a legitimate purpose/permission. <i>Previous Codes: trespassing; remains unlawfully on school grounds</i>
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral	○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral	○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral

Misuse of Technology <i>State Code: S1006</i>			Any use of school technology for unauthorized purposes such as, but not limited to, copying software, inappropriate internet or email usage, unauthorized use of school issued electronic devices, tampering with databases, passwords or configurations, or deletion of files. Also includes the use of school technology equipment in soliciting, using, posting on social media, receiving or sending inappropriate images or materials; or accessing unauthorized email; or the unauthorized downloading and/or installing of files; or intentionally damaging technology equipment in the school environment. SSD Board Policy: 6150 Computing and Internet SSD Board Policy: Chromebook User Agreement		
1st Offense			2nd Offense		
Restorative Practices Intervention			- Restorative Practices Intervention - Monitoring During Computer Time - Parent/Guardian Conference with the school team to discuss intervention plan		
			3rd & Subsequent Offenses		
			- Restorative Practices Intervention - Monitoring During Computer Time - Parent/Guardian Conference with the school team to discuss intervention plan		

Safety Violation <i>State Code: 0102</i>			Any action that is not appropriate for school and has the potential to endanger the safety of students, staff, and/or the building.		
1st Offense			2nd Offense		
- Restorative Practices Intervention - Time Out - Up to 1 Day SBIP - Up to 1 Day OSS			- Restorative Practices Intervention - Time Out - Up to 3 Days SBIP - Up to 3 Days OSS - Counseling Referral - Parent/Guardian Conference with the school team to discuss intervention plan		
			3rd & Subsequent Offenses		
			- Up to 5 Days SBIP - Up to 5 Days OSS - Parent/Guardian Conference with the school team to discuss intervention plan		

Skipping/Leaving Class <i>State Code: S1007</i>			Absence from school or class without authorization or permission and/or leaving the assigned classroom without permission.		
1st Offense			2nd Offense		
- Restorative Practices Intervention - Up to 1 Day SBIP - Check In with Counselor - Time Out			- Restorative Practices Intervention 1 Day SBIP - Parent/Guardian Conference with the school team to discuss intervention plan - Time Out		
			3rd & Subsequent Offenses		
			- Restorative Practices Intervention 1 Day SBIP 1 Day OSS - Parent/Guardian Conference with the school team to discuss intervention plan		

Tardiness to School & Class <i>State Code: S1008</i>			Unexcused lateness to school or class without authorization or permission.		
1st Offense			2nd Offense		
- Parent/Guardian conference - Truancy Process			- Parent/Guardian conference - Truancy Process		
			3rd & Subsequent Offenses		
			- Parent/Guardian conference - Truancy Process		

Theft (Less than \$1500) <i>State Code: S011</i>		Students who take, obtain, or intentionally have possession of school property or the personal property of another person(s).
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Restitution ○ Up to 1 Day SBIP	○ Restorative Practices Intervention ○ Restitution ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Discipline Referral ○ Up to 3 Days SBIP	○ Restorative Practices Intervention ○ Restitution ○ Up to 5 Days OSS ○ Counseling Referral ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Discipline Referral

Unauthorized Use of an Electronic Device <i>State Code: S1009</i>		Students who engage in non-educational activities in the school environment, including but not limited to capturing, distributing, displaying, sharing, and/or posting of inappropriate images, videos, movies, and/or music from personal devices. Engaging in social media, texting, playing games, and/or streaming that disrupts the learning environment. <i>Previous Codes: cell phone violation</i> SSD Board Policy: 5105 Personal Electronic Device See Appendix A: Electronic Device Policy
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Parent/Guardian Pick Up	○ Restorative Practices Intervention ○ Up to 2 Days SBIP ○ Parent/Guardian Pick Up	○ Restorative Practices Intervention ○ Up to 3 Days SBIP ○ Parent/Guardian Pick Up

Unsafe Item <i>State Code: S0131</i>		Any item, device or substance that may be deemed disruptive and/or is used for a purpose in which it was not intended.
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Warning/Confiscated ○ Conference with Student ○ SBIP for Remainder of Day ○ OSS for Remainder of Day ○ Police notification	○ Check-in/Confiscate Item ○ Conference with Student/Parent ○ Up to 1 Day SBIP ○ Up to 1 Day OSS	○ Restorative Practice Intervention ○ Parent/Guardian conference with the school team to discuss intervention plan ○ Confiscate Item(s) ○ Up to 3 Days SBIP ○ Up to 3 Days OSS

D Codes – Department of Education Offenses (Regulation 601)

Bullying <i>State Code: D0701</i>	Means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects: a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student's, volunteer's, or employee's emotional or physical well-being or substantial damages to the student's, volunteer's, or employee's property. b. Create a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target. c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits. d. Perpetuate bullying by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school district or charter school volunteer, or school district or charter school employee. The checkbox on the event details screen should be used for any substantiated bullying incidents. SSD Board Policy: 5103 Bullying		
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses	
○ Up to 1 Day SBIP ○ Up to 2 Days OSS ○ Police Notification ○ Restitution ○ Restorative Practices Intervention ○ Parent/Guardian conference to discuss intervention plan ○ Counseling Referral	○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Police Notification ○ Restitution ○ Restorative Practices Intervention ○ Parent/Guardian conference to discuss intervention plan ○ Counseling Referral	○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Restitution ○ Police Notification	

Destruction of Property <i>State Code: D0301</i>	Students who damage or deface school property or the personal property of another person. This includes tampering with security, medical or fire protective equipment. <i>Previous Codes: breaking and entering; reckless burning; vandalism</i>		
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses	
○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Counseling Referral ○ Restitution ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal Notification	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Restitution ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal Notification ○ Counseling Referral ○ Outside Agency Referral	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police/Fire Marshal Notification ○ Restitution ○ Counseling Referral	

Exposure <i>State Code: D2012</i>	Students who expose their genitals, breasts, or buttocks to another person.		
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses	

○ Restorative Practices Intervention ○ Parent/Guardian conference with the school team to discuss intervention plan ○ Counseling Referral ○ Up to 1 Day SBIP ○ Up to 1 Day OSS	○ Restorative Practices Intervention ○ Parent/Guardian conference with the school team to discuss intervention plan ○ Counseling Referral ○ Up to 3 Days SBIP ○ Up to 3 Days OSS	○ Restorative Practices Intervention ○ Parent/Guardian conference with the school team to discuss intervention plan ○ Counseling Referral ○ Up to 5 Days SBIP ○ Up to 5 Days OSS
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Fighting <i>State Code: D1101</i>	Students who willingly engage in a physical altercation. This is a physical altercation in which none of the participants are identified as victims.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practice Intervention ○ Up to 1 Day SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan	○ Restorative Practice Intervention ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan	○ Restorative Practice Intervention ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan

Harassment <i>State Code: D2013</i>	Students who engage in unwelcome verbal, written, electronic, graphic, or physical conduct relating to another person's actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, and/or physical appearance. The behavior must be considered severe, persistent, or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. The harassment type must also be specified on the participant details screen. Previous Codes: <i>sexual harassment staff or student victim</i>	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Up to 5 Days SBIP ○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process	○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process	○ Up to 10 Days OSS ○ Police Notification ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process

Hate Speech/Conduct <i>State Code: D0750</i>	Verbal or electronic communication and/or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear and/or causing emotional distress. <i>Previous Codes: discriminatory behavior or speech; hate crimes</i>	
1st Offense	2nd Offense	3rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Time Out ○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 5 Days SBIP ○ Up to 10 Days OSS	○ Restorative Practices Intervention ○ Up to 10 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan

○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Restitution/Restoration	○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process ○ Police Notification ○ Restitution/Restoration	○ Alternative Placement Process ○ Police Notification ○ Restitution/Restoration
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Inappropriate Touch - Employee Victim <i>State Code: D2014</i>			Students who intentionally engage in physical aggression towards a school employee or volunteer either with their own body or with an object and it does not result in physical injury. This includes, but is not limited to pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. <i>Previous Codes: offensive touching</i>		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Restorative Practice Intervention ○ Counseling Referral ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Restorative Practices Intervention ○ Counseling Referral ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Restorative Practice Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Alternative Placement Process	

Inappropriate Touch - Student Victim <i>State Code: D2015</i>			Students who intentionally engage in physical aggression towards another student either with their own body or with an object and it does not result in physical injury. This includes, but is not limited to pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on another student. The behavior does not have to include intent to harm. <i>Previous Codes: offensive touching</i>		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Restorative Practice Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ SBIP/OSS remainder of Day ○ Up to 1 Day OSS		○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ SBIP/OSS Remainder of Day ○ Up to 3 Days SBIP ○ Up to 3 Days OSS		○ Restorative Practices Intervention ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ SBIP/OSS Remainder of Day ○ Up to 5 Days SBIP ○ Up to 5 Days OSS	

Mutual Group Fight <i>State Code: D2016</i>			Students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Restorative Practices Intervention ○ Up to 1 Day SBIP ○ Up to 3 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Restorative Practices Intervention ○ Up to 3 Day SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Restorative Practices Intervention ○ Up to 5 Day SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan	

Physical Restraint - No Code Violation <i>State Code: D2019</i>	A student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.
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Possession and/or Production of Pornography <i>State Code: D0101</i>	Students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting their photos taken or shared or cannot consent to the photos due to their age (under age 12).	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Up to 1 SBIP - Up to 1 Day OSS - Parent/Guardian Conference with the school team to discuss intervention plan - Counseling Referral	- Up to 3 Days SBIP - Up to 3 Days OSS - Counseling Referral - Parent/Guardian Conference with the school team to discuss intervention plan - Outside Agency Referral	- Up to 5 Days SBIP - Up to 5 Days OSS - Counseling Referral - Parent/Guardian Conference with the school team to discuss intervention plan - Alternative Placement Process - Outside Agency Referral

Possession and/or Use of Dangerous Instrument <i>State Code: D2017</i>	Students who possess and/or use any object, device, or instrument in the school environment classified as a dangerous instrument under 11 Del. C. § 222. This includes, but is not limited to pellet/air guns, tasers, mace or other dangerous instruments.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan

Possession and/or Use of Nonprescription and/or Prescription Medications <i>State Code: D1601</i>	Students who use or are under the influence of nonprescription and/or prescription medications, or who are found to be in possession of nonprescription and/or prescription medications in the school environment without proper documentation.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Counseling Referral - Send to the Nurse - Up to 1 Day SBIP - Parent pick up of the medication	- Send to the Nurse - Up to 3 Days SBIP - Up to 5 Days OSS - Parent/Guardian Conference with the school team to discuss intervention plan - Outside Agency Referral	- Send to the Nurse - Up to 3 Days SBIP - Up to 5 Days OSS - Parent/Guardian Conference with the school team to discuss intervention plan - Outside Agency Referral

Possession and/or Use of Tobacco or Electronic Smoking Devices <i>State Code: D1401</i>	Students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes, but is not limited to products containing tobacco, electronic cigarettes and any vape device.	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Up to 1 Day SBIP ○ Up to 1 Day OSS	○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral ○ Up to 3 Days SBIP ○ Up to 3 Days OSS	○ Restorative Practices Intervention ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Outside Agency Referral ○ Up to 5 Days OSS

Theft (\$1500 or more) <i>State Code: D0601</i>	Students who take school property or the personal property of another person(s).	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Up to 1 Day SBIP ○ Up to 1 Day OSS ○ Restitution ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification	○ Up to 3 Days SBIP ○ Up to 5 Days OSS ○ Restitution ○ Outside Agency Referral ○ Counseling Referral ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification	○ Up to 10 Days OSS ○ Restitution ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification

Threat of Physical Attack w/out Weapon <i>State Code: D2018</i>	Students who threaten to engage in an act that causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures and may refer to a weapon that is not present. A threat may or may not be made in person. <i>Previous Codes: intimidation towards student or staff; terroristic threatening staff or student victim</i>	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Restorative Practices Intervention ○ Time Out ○ Up to 3 Days SBIP ○ Up to 3 Days OSS ○ Alternative Placement Process ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Police Notification ○ Counseling Referral	○ Restorative Practices Intervention ○ Time Out ○ Up to 5 Days SBIP ○ Up to 5 Days OSS ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Alternative Placement Process ○ Police Notification ○ Counseling Referral	○ Restorative Practices Intervention ○ Up to 10 Days SBIP ○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Counseling Referral

Teen Dating Violence <i>State Code: No Code, Check Box Only</i>			Means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships. SSD Board Policy: Teen Dating Violence and Sexual Assault
1st Offense	2nd Offense	3rd & Subsequent Offenses	
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Mandatory Counseling	OSS Pending Alternative Placement Process	- OSS Pending Alternative Placement Process - Police Notification	

C Codes –

Assault Causing Physical Injury <i>State Code: C0720</i>			Students who intentionally engage in an act that causes physical injury or serious physical injury to another person. This includes, but is not limited to bruises, lacerations, puncture and stab wounds, dislocations, sprains, and/or bone fracture. This offense is not used for students under the age of 12, unless the student causes a serious physical injury, which are injuries that create the risk of death or cause disfigurement, impairment of health, or loss or impairment of the function of any bodily organ or limb. <i>Previous Codes: assault staff or student victim</i>
1st Offense	2nd Offense	3rd & Subsequent Offenses	
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	

Distribution of Alcohol and/or Drugs <i>State Code: C0721</i>			Students who are found to be selling and/or distributing alcohol, drugs or other substances in the school environment. This includes, but is not limited to inhalants, marijuana (cannabis, edible, liquid, etc.), drug-like substances, look alike substances, nonprescription medication, and prescription medications. SSD Board Policy: Student Drug and Alcohol
1st Offense	2nd Offense	3rd & Subsequent Offenses	
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Counseling Referral - Mandatory Drug/Alcohol Counseling Referral to Licensed Agency	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Counseling Referral - Mandatory Drug/Alcohol Counseling Referral to Licensed Agency	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Counseling Referral - Mandatory Drug/Alcohol Counseling Referral to Licensed Agency	

Other School Crime <i>State Code: C0722</i>			Any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law (14 Del. C. § 4112). This may include arson, manslaughter, etc.
1st Offense	2nd Offense	3rd & Subsequent Offenses	
- Up to 10 Days OSS - Alternative Placement Process - Police/Fire Marshal notification	- Up to 10 Days OSS - Alternative Placement Process - Police/Fire Marshal notification	- Up to 10 Days OSS - Alternative Placement Process - Police/Fire Marshal notification	

○ Restitution ○ Recommendation for Counseling	○ Restitution ○ Recommendation for Counseling	○ Restitution ○ Recommendation for Counseling
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Possession and/or Use of Alcohol and/or Drugs <i>State Code: C0723</i>			Students who use or are under the influence of alcohol, drugs, or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes, but is not limited to inhalants, marijuana (cannabis, edible, liquid, etc.), drug-like substances, and look alike substances. <i>Previous Codes: inhalant abuse</i> SSD Board Policy: Student Drug and Alcohol		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Counseling Referral to Licensed Agency		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Counseling Referral to Licensed Agency		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral ○ Mandatory Drug/Alcohol Counseling Referral to Licensed Agency	

Possession and/or Use of Deadly Weapons <i>State Code: C0724</i>			Students who possess and/or use any object, device, or instrument in the school environment classified as a deadly weapon under 11 Del. C. § 222. This includes but is not limited to a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot and/or razor. This does NOT include toys, or ordinary objects including pocketknives with blades less than 3 inches. Firearms and bombs are captured under separate offenses. SSD Board Policy: 5115 Possession of Firearms or other Weapons		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan	

Possession and/or Use of Explosive Devices <i>State Code: C0725</i>			Students who are found to be in possession and/or use incendiary devices such as fireworks, firecrackers, pipe bombs and/or other explosives in the school environment. SSD Board Policy: 5115 Possession of Firearms or other Weapons		
1st Offense		2nd Offense		3rd & Subsequent Offenses	
○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan		○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan	

Possession and/or Use of Firearms <i>State Code: C0726</i>	Students who possess and/or use any firearm in the school environment. This includes, but is not limited to handguns, rifles, shotguns, starter guns, and/or other firearms identified in 11 Del. C. § 222, whether loaded or not. BBs are included per § 1457 and § 1457A. This does NOT include toys or pellet/air guns; these should be captured other Possession and/or Use of Dangerous Instruments SSD Board Policy: 5115 Possession of Firearms or other Weapons	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan

Rape <i>State Code: C0727</i>	Is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Alternative Placement Process - Police Notification	- Alternative Placement Process - Police Notification	- Alternative Placement Process - Police Notification

Robbery <i>State Code: C0728</i>	Students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault. <i>Previous Codes: extortion for money</i>	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Restitution	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Restitution	- Up to 10 Days OSS - Alternative Placement Process - Police Notification - Parent/Guardian Conference with the school team to discuss intervention plan - Restitution

Sexual Assault <i>State Code: C0729</i>	Is any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s). <i>Previous Codes: attempted rape</i> SSD Board Policy: Teen Dating Violence and Sexual Assault	
1st Offense	2nd Offense	3rd & Subsequent Offenses
- Alternative Placement Process - Police Notification	- Alternative Placement Process - Police Notification	- Alternative Placement Process - Police Notification

Threat of Physical Attack w/ Weapon <i>State Code: C0102</i>	Students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral ○ Police Notification	○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral ○ Police Notification	○ Up to 10 Days OSS ○ Alternative Placement Process ○ Parent/Guardian conference with school team to discuss intervention plan ○ Counseling Referral ○ Police Notification

Threatening Mass Violence <i>State Code: C0730</i>	Students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm in the school environment. This includes but is not limited to bomb threats and other threats that are likely to cause an evacuation of a building. See Threats of Physical Attack w/ and w/out weapon for threats against people.	
1 st Offense	2 nd Offense	3 rd & Subsequent Offenses
○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral	○ Up to 10 Days OSS ○ Alternative Placement Process ○ Police Notification ○ Parent/Guardian Conference with the school team to discuss intervention plan ○ Counseling Referral

Glossary of Terms

Alternative Placement Process: A process that begins at the conclusion of an administrative investigation, as result of a severe or repetitive Code of Conduct violation(s) listed within the Code of Conduct in which a principal is requesting a referral for Alternative Placement for the student after the administrative investigation is complete. An Alternative Placement Team Meeting will take place to determine if any alternative setting is appropriate for the referred student. The Alternative Placement Team will decide on whether to assign a student to an Alternative Placement Program.

Alternative Program: A school discipline improvement program that provides Appropriate Educational Services that has been created for students whose behavior(s) is within the defined conduct under 14 DE Admin. Code 614. This includes any programs managed by a school district/charter or the Consortium Discipline Alternative Program.

Business Day: A day in which schools are open with Administration present.

Counseling Referral: A referral to the school counselor, Wellness Center, or outside counseling agency.

Discipline Referral: Formal documentation completed by the staff and returned to Administration with information about an incident or student behavior that occurred.

Expulsion: A disciplinary action approved by the Board of Education resulting in a student being removed from the Regular School Program for a duration not to exceed the total number of student days in a school year. A student expelled without Appropriate Educational Services shall be unenrolled from the district/charter during the term of the expulsion. Whether the expulsion is with or without educational services (including Alternative Placement), the expelled student is not eligible to enroll in any other Delaware public school during the period of the expulsion and until any reasonable terms of the expulsion are fulfilled.

In-School Suspension (ISS): The temporary removal of a student from the area indicated by the regularly assigned schedule.

Intervention Plan: A collaborative plan between a student, their parent/guardian, and the school team (administrator, teacher, counselor, other staff member if needed) that identified areas of growth and resources for the student to be successful in school.

Multi-Tiered System of Support (MTSS): Delaware Regulations Administrative Code: *Title 14: Section 500 Curriculum and Instruction, Subsection 508 defines MTSS as a framework that is designed to meet the needs of the whole child through an integrated multi-level prevention system that optimizes team-based leadership and data-driven decision making to meet the academic and non-academic needs of all students.*

High quality core academic instruction and non-academic practices as universal supports to all children. Evidence-based intervention and supports are matched to student needs and informed by ongoing progress monitoring and additional formative assessments.

Out-of-School Suspension (OSS): A form of short-term suspension that can be applied as a consequence for violating the Code of Conduct. The duration shall not be more than ten (10) consecutive school days for any single conduct violation or combination of violations which occurred during a single disciplinary incident. Student will still be responsible for class work and assignments during out-of-school suspension.

The Superintendent shall have the right to temporarily extend a student's suspension beyond the ten (10) school day limit pending an Alternative Placement Process decision or Board of Education decision regarding a Discipline Hearing or other formalized disciplinary action hearing for the student. A student whose suspension has been temporarily extended beyond ten (10) consecutive school days shall receive Appropriate Educational Services beginning on the first day of the extension. Educational services shall continue until the student's Alternative Placement Process decision has been rendered or the Board of Education decision regarding the student's expulsion hearing or other formalized Disciplinary Action hearing has concluded.

Outside Agency Referral: Directing the parent/guardian or student to an agency or individual to meet the needs of the student when those needs extend beyond the scope of expertise of school-based personnel.

Parent/Guardian Conference: A conference that can occur via telephone, virtually, or in person with the parent/guardian, student, and school team. The purpose of the conference is to collaborate and create a detailed action or intervention plan outlining interventions, options, and/or steps for the student to be successful and avoid the accumulation of additional/repeat Code of Conduct violations. Interventions can include, but are not limited to: change of class, time-outs, check-ins, identification of trusted adult(s) [for the student to talk with in and out of school who can be reached if necessary], breaks, counseling plan, wellness plan, and identified goals.

Parent/Guardian Pick Up: A parent must come to school to pick up student property that has been safely stored in a secure location by Administration after a Violation of Electronics, Communication, and Equipment Policy S0311.

Police Notification: The notification to local law enforcement of an incident that occurred on school property during or after school hours that must be reported per Delaware law or Smyrna School District policy.

Restitution: Reimbursement for an object that was taken or damaged from them that has monetary value. This should be a collaborative consequence with the parents involved.

Restorative Practices: The deliberate and intentional use of tools and strategies that facilitate the growth of healthy relationships and communities. The purpose of Restorative Practices is to strengthen relationships between individuals and increase community connections. Restorative Practices are primarily proactive but can be used as a way to restore harm following an incident/Code of Conduct violation. See below for intervention technique examples:

Intervention Technique	Examples
Self-Reflection	Worksheet with questions to work through, interviews.
Apology or Appreciation Letters	Given to those involved in the incident
Restorative Contract	Formal agreements generated that have specific timelines and check-ins on progress
Restitution Agreements	Agreements to dedicate time to restore damage to property
Project-Based Assignment	Creating PSA videos, a paper, and community-based projects
Assisting Others	Assisting custodial staff, teachers, administrative assistance, or community members
Regular Check-Ins	Designated person to connect with student on progress and reflect
Research Projects	Researching negative outcomes of behavior or potential alternative solutions for the future, can be presented to others
Volunteer Opportunities	Connections to community members or school-based initiatives to give back

Social Suspension: A period of time in which a student is not allowed to participate/attend any non-academic school-based functions.

School-Based Intervention Program (SBIP): As explained in Delaware Regulation: Administration Code: *Title 14: Section 600, Subsection 609 District and School-Based Intervention Services should include both short-term and long-term intervention strategies that include character education, short-term and or long-term counseling to improve behavior which impacts educational performance, and methods to identify the need to refer student for additional services within the District or to other agencies.*

Interventions include but are not limited to: In-School Suspension, lunch detention, time outs, and reflection time.

Time Out: A temporary, supervised behavior management technique, which provides opportunities to regain emotional regulation.

Appendix A : Electronic Device Policy

The following information further clarifies discipline specific to personal electronic device violations. Per Smyrna School District Policy, personal electronic devices must be turned off and secured in a designated area **during all instructional periods** unless a medical exemption exists. Medical exemptions only apply to uses of personal electronics for medical reasons.

1st Violation

- Discipline referral S1009
- Confiscation of personal electronic device for the remainder of the school day.
- Students may retrieve the personal electronic device from the school's main office at the end of the school day.

2nd Violation and All Subsequent Violations

- Second or subsequent violation will result in a referral S1009
- Confiscation of personal electronic device for the remainder of the school day.
- Parent/Guardian may retrieve the personal electronic device from the school's main office during normal business hours.

Appendix B: Weapons Code Definitions

Criminal Deadly Weapon: *The Commission by a student of an offense prohibited by 11 Del.C. §§ 1442 through 1458 inclusive. 11 Del.C. 222 defines “Deadly Weapon” as: includes a “firearm”, as defined in paragraph (13) of this section, a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, Billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any “dangerous instrument”, as defined in paragraph (5) of this section, which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.*

C0601-WO:1442	Concealed deadly weapon - handgun
C0602-WO: 1442	Concealed deadly weapon – rifle, shotgun
C0611-WO: 1442	Razor Blade/box cutter
C0612-WO: 1457	Brass Knuckles, Bat, Club (Poss. Safe School Zone)
C0613-WO: 1442	Brass Knuckles/Bat/Club
C0614-WO: 1457	Pellet Gun (Poss. Safe School & Rec. Zone)
C0615-WO: 1457	Starter Gun (Poss. Safe School & Rec. Zone)
C0616-WO: 1457I	B.B. Gun (Poss. Safe School & Rec Zone)
C0617-WO: 1449	Wear Body Armor During Comm. Of Felony
C0618 -WO:1457	Handgun (Poss. Safe School & Rec. Zone)
C0619-WO: 1457	Rifle, Shotgun (Poss. Safe School & Rec. Zone)
C0620-WO: 1457	Destructive weapon (Poss.
C0624-WO: 1457	Unlaw. Dealing with Martial Arts Throw. Stars (Poss. Safe School and Rec Zone)
C0625-WO: 1448	Poss. & Purchase of Deadly Weapons
C0626-WO: 1457	Poss. & Purchase of Deadly Weapons (Poss. Safe School & Rec Zone)

Dangerous Instrument: *The Commission by a student of an offense prohibited by 11 Del.C. §§ 1442 through 1458 inclusive. (BB-guns are not considered a dangerous instrument see C0616). 11. Del.C. 222 dangerous instrument means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury or any disabling chemical spray as defined in paragraph (8) of this section or any electronic control devices but not limited to a neuromuscular incapacitation device designed to incapacitate a person.*

C0621-WO: 1443	Dangerous Instrument
C0622-WO: 1338	Explosives/Incendiary Device
C0623-WO: 1453	Unlawfully Dealing with Martial Arts Throwing Star

Appendix C: Guns Free School Act

1. In compliance with the Federal “Guns Free School Act of 1994”, the following policy shall apply to all students in the District:

Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period of not less than one year, with a referral to the criminal justice or juvenile delinquency system. The Superintendent may modify such expulsion requirement to the extent a modification is required by Federal or State law. The procedure to implement this policy will be the expulsion procedures outlined in the District’s Student Code of Conduct. For purposes of this policy, the term “weapon” as used in the Federal “Gun Free Schools Act of 1994” means a “firearm” as defined in Section 921 of Title 18, United States Code.

2. Definition of “firearm”:

The term “firearm” means –

- (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (B) the frame or receiver of any weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device. Such term does not include an antique firearm.

3. Definition of “destructive device”:

The term “destructive device” means –

- (A) any explosive device, incendiary, or poison gas - bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses.
- (B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

4. Definition of “antique firearm”:

The term “antique firearm” means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1989; or any replica of any firearm described in subparagraph (A) if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed

ammunition or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States.

5. Regulation 603 – Compliance with the Gun-Free Schools Act, shall apply to this policy:

- A. All students shall receive an updated Student Code of Conduct that contains the district's policy on the possession of firearms at the beginning of each school year, and whenever a student enters or re-enters the district during the school year, to be shared with the parent/guardian/custodial adult.
- B. The district's policy on possession of firearms shall apply to all students, except that with respect to students with disabilities, the federal law will be followed. A determination of whether the violation of the possession of a firearm policy was due to the student's disability will be made prior to any discipline or change of placement in connection with the policy.